

**ENTERED**

March 31, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
LAREDO DIVISION

UNITED STATES OF AMERICA

VS.

RUBEN PLATA

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§

CRIMINAL ACTION NO. 5:20-CR-614

**ADVISORY**

The Court is mindful not to detain material witnesses longer than necessary. *See United States v. Abundis-Carreón*, 2012 WL 1223838, at \*3 (S.D. Tex. Mar. 15, 2012) (noting that “continued detention of material witnesses is not favored”). Recently, the Court granted defense counsel’s amended motion for an evaluation of Defendant’s competency to stand trial and sanity at the time of the offense (Dkt. No. 34).<sup>1</sup> As a result, Defendant is to be evaluated for up to 45 days, with a possible 30-day extension (*id.* at 1). The Court will continue to monitor this case closely. If additional delays arise, the Court will issue further instructions for the deposition and release of the four material witnesses, who have already been detained for two months. *See* 8 U.S.C. § 1324(d) (authorizing admission of videotaped “deposition of a witness ... who has been deported ... or is otherwise unable to testify”); *United States v. Calderon-Lopez*, 268 F. App’x 279, 288–90 (5th Cir. 2008) (admission of deported aliens’ videotaped depositions did not violate Confrontation Clause).

**SIGNED** March 30, 2020.

Marina Garcia Marmolejo  
United States District Judge

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<sup>1</sup> The defense motion was largely premised on the fact that Defendant was required to participate in mental health treatment as a condition of his parole in a prior case (Dkt. No. 32).